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CERTIFICATE OF MAILING (37 CFR 1.8(A))

PATENT

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Date: 12 April 2001

Laura J. Kelly

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLN NUMBER 09/742,506	FILING DATE 21 DEC 2000	FIRST NAMED INVENTOR ELDERING	ATTY. DKT. NO. T721-16
TITLE INTERNET-BASED ELECTRONIC PROGRAM GUIDE ADVERTISEMENT INSERTION METHOD AND APPARATUS		ART UNIT 2744	EXAMINER UNKNOWN

BOX DAC  
Assistant Commissioner for Patents  
Washington, D.C. 20231

PETITION PURSUANT TO 37 CFR 1.182

Dear Sir or Madam:

In response to the Notice to File Corrected Application Papers mailed on February 12, 2001 (copy enclosed), Applicant hereby petitions the United States Patent and Trademark Office ("USPTO") to include Figure 4, which is included with the Preliminary Amendment submitted herewith, and to maintain the December 21, 2000 filing date of the application. Applicant Petitions the USPTO because Figure 4, which was inadvertently omitted during mailing by Applicant, is fully described in detail in the specification, as will be further evidenced in Applicant's remarks below.

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Remarks

The below table identifies the support in the specification for the drawing that establishes that the drawing does not constitute new matter.

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Petition

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09/742,506

Step in Fig. 4	Support in Specification	Further Comment
Step 402: "START"	<p>"The processing illustrated in the flow chart of Figure 4 is commenced at step 402 upon indication that the EPG has been tuned in".</p> <p><b>Page 21 lines 24-26.</b></p>	
Step 404: "DISPLAY EPG"	<p>"In step 404, the EPG is displayed".</p> <p><b>Page 22, line 1.</b></p>	
Step 406: "CONSULT SCHEDULE"	<p>"In step 406, subprocessor 234 consults the schedule to determine what ad or ads should be displayed in what windows in the EPG and for how long".</p> <p><b>Page 22, lines 1-4.</b></p>	
Step 410: "RETRIEVE AD(S) AND INSERT AD(S)"	<p>"In step 410, the adds are retrieved, such as from the local memory or from a remote server as the case may be. In step 410, the ads are inserted into the EPG".</p> <p><b>Page 22, lines 4-6.</b></p>	
Step 414: "START TIMERS(S)"	<p>"[I]n in step 414, a timer is started corresponding to each ad that is being displayed".</p> <p><b>Page 22, lines 10-11.</b></p>	
Step 416: "TIME OUT FOR AN AD?"	<p>"In step [414] <u>416</u>, it is determined whether the total display period for each add has been reached".</p> <p><b>Page 22, lines 11-13.</b></p>	<p>Note: The spec. mistakenly referred to this step as step 414 (step was used previously). Figure 4 submitted with the Preliminary Amendment accurately refers to this as step 416. The Prelim Amend also amends the spec to accurately refer to this as step 416. Ref # 416 is used elsewhere in the original specification to identify this step.</p>

Step in Fig. 4	Support in Specification	Further Comment
Step 418 (yes from step 416): “UPDATE QUEUE”	“If so, flow precedes to step [414] <u>418</u> in which the queue is updated”. <b>Page 22, lines 13-14.</b>	Note: The spec. mistakenly referred to this step as step 414 (step was used previously). Figure 4 submitted with the Preliminary Amendment accurately refers to this as step 418. The Prelim Amend also amends the spec to accurately refer to this as step 418.
Step 420: “REPORT THAT AD WAS DISPLAYED”	“Flow then proceeds to step to step 420, in which the fact that the add was displayed is reported back to the television service provider”. <b>Page 22, lines 15-17.</b>	
Step 421: “RESET COUNTER” and return to step 406	“In step 421, the counter for that ad is reset flow then returns to step 406 where the queue is consulted again to determine what advertisement should be inserted in place of the one just removed”. <b>Page 22, lines 22-25</b>	
Step 422 (no from step 416): “EPG STILL TUNED IN?”	“If, on the other hand, in steps 416, no ads have timed out, flow proceeds to step 422 where it is determined if the EPG is still tuned in”. <b>Page 22, line 26 - Page 23, line 1.</b>	Note that the preceding step is correctly identified as step 416 (whereas on page 22, line 11, discussed above, the preceding step was called step 414 due to a typographical error. Also, applicants have changed “steps” in the portion of the spec quoted at left to “step” in order to correct typographical error.
Branch from step 422 to step 416 (yes from step 416)	“If yes, flow proceed back up to step 416 and loops through the steps 416 and 422 (with a possible detour to step 418-420 at seq.) until the EPG is tuned out”. <b>Page 23, lines 1-3</b>	Note again that step 416 is identified here in the original specification by the correct reference numeral.

Step in Fig. 4	Support in Specification	Further Comment
Step 424 (no from step 422): "STOP TIMERS")	"...until the EPG is tuned out. At that point, flow proceeds from step 422 to step 424 where the timers are stopped and stored in memory for retrieval when the EPG is next tuned in". <b>Page 23, lines 3-6.</b>	


For the forgoing reasons Applicant respectfully requests that Figure 4 be included in the application and that the original December 21, 2000 filing date for the application be maintained. In the event that the petition is denied, Applicant selects option 3 in accordance with the Notice to Filed Corrected Application Papers mailed on February 12, 2001, and accepts the application as originally filed retaining the original filing date of December 21, 2000.

A check, or authorization to charge deposit account, in the amount of the fee set forth by 37 C.F.R. §1.17(i) is attached.

If this action does not lead to issuance of an Official Filing Receipt as requested, please contact the undersigned at (215) 348-0265.

Dated: \_\_\_\_\_

4/12/01

  
Signature

Douglas J. Ryder, Reg. No. 43,073

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